

Boone County  
Board of Zoning Appeals

A. Petition Number:	16CE-7M-138
B. Applicant:	John R. Harrison
C. Identification Number:	Parcel No. 006-01550-00
D. Location:	The location of this petition is 7837 West County Road 350 North; Thorntown, IN 46071.
E. History of Parcel:	<p><b><u>History of Parcel</u></b></p> <p>The parent tract of 21.75 acres has been split into the following (3) parcels since the enacted date of the Ordinance:</p> <p><b>Lot 1 of Harrison Minor Plat</b></p> <p>As part of the division of the parent parcel for subject Minor Residential Plat, Lot 1 represents an 11.75 acres split off of the 21.75 acre parent parcel.</p> <p><b>Lot 2 of Harrison Minor Plat-</b></p> <p>As part of the division of the parent parcel for the subject Minor Residential Plat, Lot 2 represents a 4.0 acre split off the 21.75 acre parent parcel.</p> <p><b>Lot 3 of Harrison Minor Plat</b></p> <p>As part of the division of the parent parcel for the subject Minor Residential Plat, Lot 3 contains 6 acres with an existing home and associated accessory structure which was conveyed by John R. Harrison to John W. Lefter and Larry and Mary Morris on February 19, 2016 (Instrument Number 201600001473).</p>
F. Ordinance Process:	<p><b><u>Ordinance Process and APC Director Determination</u></b></p> <p><b>Petitioner's Request-3 Lot Splits</b></p> <p><b>Special Exception with Minor Plat</b></p> <p>The petitioner's request is for Special Exception with Minor Plat. As depicted on the proposed Harrison Minor Residential Plat, the parent tract will be split into 3 lots.</p> <p>The APC Director has determined the subject petition requires Special Exception with Minor Plat approval, based on the requirements per Table 2, Authorized Uses for Minor Residential Subdivision in an Agricultural Zoning District.</p>

The determination was made based on the proposal of 3 lots which requires Minor Residential Plat approval per the Boone County Subdivision Control Ordinance, specifically, Section IV. C.1.a Minor Residential Subdivisions.

#### **1. Purpose**

The division of a tract of land into four residential parcels or less may be approved as a minor subdivision one time only. The minor subdivision shall be subject to the same basic procedures as set forth in the Rules of Procedure. The intent of this section is not to circumvent good subdivision practices, therefore, use of this procedure shall be limited to the creation of three new parcels after November 1, 1998.

a. Applications for Minor Subdivision. An applicant shall submit or receive approval one time on a parent tract allowing a minor residential subdivision containing no more than (4) residential lots, any further subdividing requires an application for a zoning map amendment for the entire tract.

#### **G. Action Requested:**

##### **Petition for Special Exception with Minor Plat**

The applicant is seeking a Special Exception with Minor Plat Approval request. The Harrison Minor Residential Plat consists of the following (3) lots which were split out of a parent tract of 21.75 acres:

<b>Lot 1:</b>	<b>Owner:</b> John R. Harrison	<b>Acreage:</b> 11.75 Acres
<b>Lot 2:</b>	<b>Owner:</b> John R. Harrison	<b>Acreage:</b> 4.0 Acres
<b>Lot 3:</b>	<b>Owner(s):</b> John W. Lefter Larry and Mary Dorris	<b>Acreage:</b> 6.0 Acres

#### **H. Utilities:**

##### **Septic and Well Facilities**

This site will be provided with septic and well facilities.

Boone County Health Department Letter Dated: September 20, 2016

##### **Lot 1-Harrison Minor Residential Plat**

Soil Borings performed by Mark McClain

This office received a set of soil borings dated September 16, 2016 for the splitting of the property 6570 Hazelrigg Road in Thorntown. The soil borings taken by Mark McClain. Due to the soil quality at soil boring 3, an above ground septic system will most likely be needed to be designed for Lot 1 of the Harrison Minor Residential Plat. Drainage will need to be available for this lot due to the seasonal high water table.

**I. Technical Advisory  
Committee Comments:**

**Lot 2-Harrison Minor Residential Plat**

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**Technical Advisory Committee**

This item was reviewed by the (TAC) Technical Advisory Committee on August 31, 2016 and had the following comments:

**Boone County Health Department**

Boone County Health Department Letter Dated: September 20, 2016

**Lot 1-Harrison Minor Residential Plat**

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**Lot 2-Harrison Minor Residential Plat**

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**Boone County Surveyors Office**

**Drainage Outlet(s)**

Mr. Harrison has identified a viable drainage outlet for Lots 1 and 2, however, prior to the Area Plan Commission approval for the subject plat, the applicant must submit a full drainage plan and be approved by the Boone County Surveyors office.

**J. Standard for Evaluation-  
Special Exception:**

**Boone County Highway Department**

The Boone County Highway Department has reviewed the request for Special Exception with Minor Plat. In the event, the subject plat is approved, the owner or subsequent owner will be required to provide a site plan with exact location of the Lot 2 driveway on Hazelrigg Road based on the existing 100' Transmission Line Easement which is depicted on the subject plat. The Boone County Highway Department will not issue a New Driveway permit without a consent release form granted to the property owner for the allowance of a new driveway being granted the rights to cross the Transmission Line Easement. Further, Lot 1 will require a site plan to depict the exact placement of the new driveway outside of the delineated Floodplain line.

**Boone County Area Plan Commission**

The review of the evaluation criteria for the Special Exception can be found below:

**Standards for Evaluating Special Exceptions**

Per Indiana Code SS 36-7-4-918.2, the Board may impose reasonable conditions as part of the approval. Per Indiana Code SS 36-7-4-921(a)(1), the Board may require the owner of the parcel to make a written commitment concerning the use and development of that parcel.

**Evaluation Standard -1**

**The establishment, maintenance, or operation of the Special Exception will not be detrimental to or endanger the public health, safety, morals or general welfare.**

*As indicated by the materials submitted in the Special Exception application and the findings of Technical Advisory Committee (TAC) meeting, APC staff finds the petitioner has demonstrated to APC staff the ability to satisfy the zoning provisions of the Ordinance. The ability to meet the standards of the Ordinance inherently upholds the protection of the police power and pose no threats to endanger the public, health, safety, morals, or general welfare of the community.*

**Evaluation Standard -2**

**The Special Exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.**

*As indicated by the materials submitted in the Special Exception application and the findings of Technical Advisory Committee (TAC), APC staff finds in review of this petition, the application meets the standards of the zoning ordinance and poses no threat to the surrounding properties by the evidence submitted in the application for the future existence of the proposed additional single family homes.*

**Evaluation Standard-3**

The establishment of the Special Exception will not impede or substantially alter the normal and orderly development and improvement of surrounding property for uses permitted in the District.

*The applicant has stated the special exception with Minor Plat request is for the establishment of 3 lots. In conducting property research, the subject property is located in rural residential area, therefore, the future use of the property for a single residential dwelling on Lots 1 and 2 of Harrison Minor Plat will not impede adjacent properties from viable use of the land in the future based on the ability to meet Ordinance provisions and signing the Right-to-Farm commitment for each individual lot which acknowledges the existing farm operations in the area.*

**Evaluation Standard-4**

Adequate utilities, access road, drainage and other necessary facilities have been or are being provided.

**Septic and Well Facilities**

**Lot 1-Harrison Minor Residential Plat**

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**Lot 2-Harrison Minor Residential Plat**

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**Access Road s-County Road 675 West and Hazelrigg Road**

The Boone County Highway Department has reviewed the request for Special Exception with Minor Plat. In the event, the subject plat is approved, the owner or subsequent owner will be required to provide a site plan with exact location of the Lot 2 driveway on Hazelrigg Road based on the existing 100' Transmission Line Easement which is depicted on the subject plat. The Boone County Highway Department will not issue a New Driveway permit without a consent release form granted to the property owner for

the allowance of a new driveway being granted the rights to cross the Transmission Line Easement. Further, Lot 1 will require a site plan to depict the exact placement of the new driveway outside of the delineated Floodplain line.

#### **Drainage Available to Lots 1 and 2**

Mr. Harrison has identified a viable drainage outlet for Lots 1 and 2, however, prior to the Area Plan Commission approval for the subject plat, the applicant must submit a full drainage plan and be approved by the Boone County Surveyors office.

#### **Evaluation Standard-5**

**Adequate measures have been or will be taken to provide ingress and egress so designated as to minimize traffic congestion on the public roadways.**

*All lots in the proposed minor residential subdivision have individual access, therefore, no shared driveway is being utilized. Based on the remote location of the property, the allowance of one additional driveway on both Lots 1 and 2 will not pose any significant impact on traffic congestion on County Road 675 West and Hazelrigg Road.*

#### **Evaluation Standard-6**

**The Special Exception will be located in a district where such use is permitted and all other requirements set forth in the Boone County Zoning Ordinance which are applicable to such use will be met.**

*The APC Director has determined the subject petition requires Special Exception with Minor Plat approval, based on the requirements per Table 2, Authorized Uses for Minor Residential Subdivision in an Agricultural Zoning District. The applicant has demonstrated technical compliance to be receive Special Exception approval by the Boone County Board of Zoning Appeals. The applicant will need to be approved by the Area Plan Commission for the Minor Plat approval. Prior the APC meeting the applicant will submit a drainage plan approved by the Boone County Surveyor.*

#### **K. Staff Analysis:**

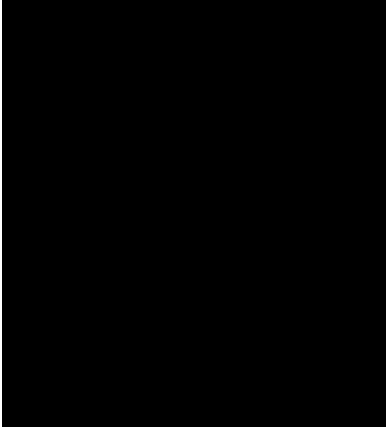
Based on the submitted information, Area Plan Staff recommends approval of the Special Exception with Minor Plat for the Harrison Minor Plat as presented, contingent on the following conditions:

- 1) The owner or subsequent owner(s) of Lots 1 and 2 shall Sign a Right-to-Farm Agreement prior to issuance of a building permit;
- 2) The owner or subsequent owner(s) of Lots 1 and 2 shall Sign a County Drainage Agreement;
- 3) The Improvement Location Permits (ILP's) for Lot 2 shall receive Final Technical Advisory Committee (TAC) approval prior to release by the APC office.

**Applicant:** 16JE-7M-138

**Date:** September 28, 2016

**Petition:** Special Exception with Minor Plat



- 4) A drainage plan be approved by the Boone County Surveyors office prior to the APC approval of the subject minor plat.
- 5) The applicant provide a consent release agreement for the allowance of an individual driveway to cross the 100' established Transmission line easement on Lot 2.